

FILED '11 JUN 30 8 54USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JACK W. BURNS and LAURA J.

BURNS, as Tenants by the
Entirety,

Plaintiffs,

Civ. No. 11-3070-CL

TEMPORARY RESTRAINING ORDER

v.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION and NORTHWEST
TRUSTEE SERVICES, INC.,

Defendants.

PANNER, J.

Plaintiffs seek an ex parte temporary restraining order to enjoin the foreclosure sale of their house. Plaintiffs allege the house is scheduled for a foreclosure sale on July 1, 2011 and defendants have not complied with the legal requirements for a valid non-judicial foreclosure. Specifically, plaintiffs allege

defendants sold the loan and failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings. In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, at *3 (2011).

Because of the alleged imminent foreclosure sale, I grant plaintiffs' request for a temporary restraining order (#5). Defendants, and their officers, agents, etc..., and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 820 Crestbrook Road, Medford, Oregon, from this day until Wednesday, July 13, 2011, at 5:00 p.m. This court will hold a hearing on whether to issue a preliminary injunction at 9:15 a.m. on July 13, 2011, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 30 day of June, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE